

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, JANUARY 12, 2017

Presiding: Mayor David D. Ogden
Meeting Convened at 6:30 p.m.
Prayer: Bruce King
Pledge of Allegiance

Present: Mayor David D. Ogden; Clerk-Treasurer Wendy McLaughlin; Councilmen Bruce King, Matt Garner, and Joe Cherrington (Councilman Bruce Arnell was excused); Vice-chairman Dave Thompson of the Planning and Zoning Commission; Sugar City Building Inspector Cliff Morris; Forsgren Associates Inc. Engineer Randy Johnson; PSI-Idaho Falls Waste Systems Officials Mike Doyle, Jeremy Harris, and Stephen Pinchard; and Citizen Brad Orme.

Mayor Ogden asked if there were any corrections to the minutes of the regular meeting held on December 8, 2016. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman Garner and seconded by Councilman Cherrington to accept the minutes; motion carried.

RECONCILIATION REPORTS: Wendy presented the December reconciliation reports for the General Fund. It was moved by Councilman Garner and seconded by Councilman King to accept the December reconciliation reports for the General Fund; motion carried. Wendy presented the December reconciliation reports for the Utility Fund. It was moved by Councilman Cherrington and seconded by Councilman King to accept the December reconciliation reports for the Utility Fund; motion carried.

Wendy presented the current bills in the amount of \$79,048.51. It was moved by Councilman Cherrington and seconded by Councilman Garner to pay the current bills, together with all regular January bills; motion carried.

PLANNING AND ZONING COMMISSION REPORT: Commissioner Dave Thompson reported on the following items:

Land Use Schedule Title 9 Update: Planning and Zoning recommended to the city council changes to the Land Use Map, as amended. See Attachment 1.

Mike Stears Property: Currently the Downtown Commercial (CD) zone does not allow for a special use permit. After much discussion, the commission approved the recommendation to the city council for their consideration to allow a special use permit for multiple residential units in the Commercial Downtown (CD) zone, and to approve the special use permit. They did have some concerns about density, but felt the city council could address that issue in their discussions. See Attachment 2.

Jeff Parkinson Property Special Use Application: Jeff Parkinson wants to remodel the old potato processing plant, also known as Desert Gem Farms, on 107 N Railroad Avenue into an event center. The building hasn't been in operation for many years. The plan is to remodel half of the building into a dance hall and reception center, into office space to rent, and into space for a couple of retail businesses. The commission wrestled with the stipulation that the parking lot must be paved according to city code. However, the business next door is not paved. The owner indicated that the expense of paving the lot might make it too difficult to go forward with he project.

Impact Area Study Report: The study included equivalent-sized cities to Sugar City that have grown already. They found cities that grew well and those that did not grow well. The report includes the findings of those studies and recommendations.

PSI WASTE DISPOSAL: Mayor Ogden welcomed PSI Waste Systems managers to the meeting and had them introduce themselves. Each spoke in turn, thanking the city for giving them an opportunity to correct the mistakes of the prior owners. They expressed their commitment to serve the city and to remedy any existing problems the city may have. They also explained their "Donation Box" program to help cities with different

events and needs. The mayor and council thought that the upcoming “Solar Eclipse” event on the 17th of August would be such an event where PSI could help.

OLD FARM ESTATES DIVISION NO. 2 ECONOMIC DEVELOPMENT CONTRACT AND RESOLUTION ADOPTION: The council reviewed the Old Farm Estates Division #2 development contracts with Forsgren Associates for engineering services and East-Central Idaho Planning and Development Association Inc. (ECIPDA) for grant-administration services. The city will sponsor the grant application to help develop the infrastructure for Old Farm Estates Division #2.

RESOLUTION NO. 2017-1 (To Approve a Professional Services Contract between the City of Sugar City and Forsgren Associates): Councilman Garner read Resolution No. 2017-1 in full. It was moved by Councilman Cherrington and seconded by Councilman King to approve Resolution No. 2017-1. Thereupon, the clerk called roll upon said motion.

Those voting aye: Councilmen Garner, Cherrington, and King
Those voting nay: None
Councilman Arnell was excused.

Thereupon, the mayor declared the motion passed. A copy of said resolution is attached hereto marked “Attachment 3.”

RESOLUTION NO. 2017-2 (To Approve a Professional Services Contract between the City of Sugar City and ECIPDA): Councilman Cherrington read Resolution No. 2017-2 in full. It was moved by Councilman King and seconded by Councilman Cherrington to approve Resolution No. 2017-2. Thereupon, the clerk called roll upon said motion.

Those voting aye: Councilmen King, Cherrington, and Garner
Those voting nay: None
Councilman Arnell was excused.

Thereupon, the mayor declared the motion passed. A copy of said resolution is attached hereto marked “Attachment 4.”

PROFESSIONAL SERVICE FOR A WATER FEE STUDY TO MAINTAIN CITY WATER INFRASTRUCTURE: The council discussed the need to review the city’s existing water fees and how to best calculate them to maintain and replace the infrastructure, as needed.

RESOLUTION NO 2017-3 (To Approve a Professional Services Contract for Water Study Fee Rates): Councilman Cherrington read Resolution No. 2017-3 in full. It was moved by Councilman Garner and seconded by Councilman King to approve Resolution No. 2017-3. Thereupon, the clerk called roll upon said motion.

Those voting aye: Councilmen King, Cherrington, and Garner
Those voting nay: None
Councilman Arnell was excused.

Thereupon, the mayor declared the motion passed. A copy of said resolution is attached hereto marked “Attachment 5.”

PARKING RESTRICTION VIOLATIONS: The council reviewed the parking violations resolution and wanted to wait until Councilman Arnell was present to possibly adopt it at the next meeting.

TETON RIVER FLOOD PLAIN REMAP: The council reviewed an email notice from Gerald Williams of Williams Engineering, who wants to go ahead with a two-dimensional model to present to FEMA and not wait for STARR to revise its model using updated criteria. He feels they will run out of money and will come back

to the city to finish the project. The proposed new flood plain map could destroy any chance of growth in the area. The two-dimensional remodel cost would be about \$100,000.

NEW UTILITY SOFTWARE: The council was reluctant to approve new utility software for the city because of the added expense and constraints on the city's budget for future projects and growth. The council asked that existing software users be consulted for more feedback on available software options before making a final decision.

DEPARTMENT REPORTS:

COUNCILMAN ARNELL: Excused

COUNCILMAN KING:

Christmas Tree-Lighting Report: Councilman King reported that the Tree and Beautification Committee is planning on leaving the lights up until it is warmer. They are planning on meeting again in March in preparation for summer services. The mayor asked if they would help with the first annual Sugar Days event to coincide with August's eclipse.

COUNCILMAN GARNER:

Snow Removal: Councilman Garner reported that he thought the city is doing a good job of removing the snow. There were a few complaints, especially where the city stopped clearing driveways. The cost and liability became too much for the city to continue. However, the city will help those who ask for assistance when the snow is heavy and wet. Councilman Garner encouraged the city to alert citizens when they expect to plow.

COUNCILMAN CHERRINGTON:

City Easter Egg Hunt: Councilman Cherrington is looking forward to the City Easter Egg hunt, which is scheduled for Saturday, April 15, 2017.

Teton Dam Marathon: Councilman Cherrington also suggested taking over three rest stops on the Teton Dam Marathon route closest to Sugar City. He has several volunteers from the area who would like to be more involved.

MAYOR'S BUSINESS:

Road Budget Report: Mayor Ogden reported that the possibility of getting a grant to help rebuild 7th W and 9th N is nearly impossible. There is no federal or state money for this, and those currently waiting for grants to help with repairs are 10 years out, with the competition for them very stiff. The mayor suggested we set up a major fund account and develop a five-year capital-improvement plan. Developers will need to help, and a Local Improvement District (LID) could be a possibility.

Water Study Report: The city is reviewing the feasibility of installing a secondary irrigation system using canal shares owned by the city. It appears that the second system would help reduce costs and help mitigate the burden of using well water to water lawns and parks. Alan Dunn, superintendent of the Sugar-Salem School District, welcomes the idea and would partner with the city, he said. The school district already uses canal water to water its ball fields. The cost to install a secondary irrigation system is substantial.

ICRMP Training: Councilmen King and Garner were encouraged to finish their training with ICRMP, which is the city's insurance agent, to receive a 5% discount on the annual premium.

Meeting adjourned at 9:20 p.m.

Signed: _____
David D. Ogden, Mayor

Attested: _____
Wendy McLaughlin, Clerk-Treasurer

**Before the City of Sugar City
Planning and Zoning Commission**

<p>In the Matter of Amending the Land Use Tables</p> <p>City of Sugar City</p> <p>Sugar City, Idaho, 83448</p> <p style="text-align: right;">Applicant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMENDATION</p>
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FINDINGS OF FACT

1. Sugar City, Idaho, 83448 has reviewed its land uses for its various zoning districts as set forth in Title 9, Chapter 3. A copy of the proposed ordinance amending the tables in Title 9, Chapter 3 is attached hereto.

2. A public hearing on the amendments was held on November 17, 2016 at 7:00 p.m. at City Hall.

3. Shelly Jones, deputy clerk, attended the hearing. She reported that all required notices regarding the hearing had been published, mailed and posted in a timely fashion as required by the Sugar City Zoning Ordinance and Idaho State law. The affidavit of publication and affidavit of mailing and posting were entered in the record and are included with this recommendation.

4. There were ten members of the public in attendance at the public hearing.

Only one member of the public commented on the proposed amendments. Vaun Waddell was against the amendments and presented a written statement of the reasons he was against them. His written statement about his objections is attached hereto.

Todd Lines, Barbara Lusk and Val Bush did not testify but indicated on the hearing sign-up sheet that they were neutral on the amendments.

9. No other letters or statements were submitted on the amendments.

10. After consideration of the pertinent parts of Title 9, Chapter 3 of the City Code, review of the City's Comprehensive Plan, consideration of the information presented in the written and oral presentations at the hearing of this matter, the planning and zoning commission finds as follows:

Based upon the evidence before the commission, the proposed amendments are appropriate given the existing land uses in the area and are in the public interest.

CONCLUSIONS

11. The Sugar City Planning and Zoning Commission concluded regarding the application that:

The Sugar City Comprehensive Plan provides for compatible uses in these areas of the City and therefore the proposed amendments to the land use tables are consistent with the City's Comprehensive Plan.

The proposal complies with applicable state and federal laws and regulations.

PLANNING AND ZONING COMMISSION RECOMENDATION

Concluding all of the above, the Sugar City Planning and Zoning Commission, by a unanimous vote, recommends that the City Council adopt the proposed amendments.

Signed and Dated this ____ day of January, 2017.

By: _____
Chairman, Planning and Zoning
Commission

Attest:

City Clerk

Before the City of Sugar City
Planning and Zoning Commission

In the Matter of an Application for
a Special Use Permit

) FINDINGS OF FACT,
) CONCLUSIONS OF LAW,
) AND RECOMENDATION

Mike Stears
2234 South Fork Circle)
Sugar City, Idaho, 83448
Applicant.)

FINDINGS OF FACT

1. Mike Stears, of 2234 South Fork Circle, Sugar City, Idaho, 83448, submitted an application for a special use permit on September 13, 2016. The affected property is described as follows:

Parcel 1

Lots 13 and 14 in Block 22 of the Townsite of Sugar City Plat "A" Madison County, Idaho, as per the recorded plat thereof.

Parcel 2

The South 80 feet of Lots 15 and 16 in Block 22 of the Townsite of Sugar City Plat "A", Madison County, Idaho, as per the recorded plat thereof.

Parcel 3

A portion of Lots 15, 16 and 17 of Block 22 of Plat "A" of Sugar City Townsite, Madison County, Idaho, more particularly described as follows: commencing at the NW corner of said Lot 15, and running thence 85 feet; thence East 50 feet; thence North 5 feet; thence East 18 feet; thence North 80 feet; thence West 68 feet to the point of beginning.

Parcel 4

Beginning at the Southwest corner of Lot 17, Block 22, Sugar City and running thence North 85 feet; thence East 18 feet; thence North 80 feet; Thence East 7 feet; thence South 165 feet; and thence West 25 feet to the point of beginning and Lots 18, 19, 20, 21, 22, 23, and 24, Block 22, Sugar City, Madison County, Idaho.

Together with that portion of the vacated streets adjacent to Lots 13 and 24 as set forth in ordinance recorded March 7, 1994 as Instrument No. 250829 and amended by ordinance recorded March 15, 1999 as Instrument No. 277404.

3. J&M Investment Properties, LLC is the record owner of the property proposed for rezoning.

4. The property located at 125 East Center, Sugar City, is presently zoned Downtown Commercial (CD). This zoning district provides for preservation and redevelopment of the city's historic center and a compact commercial space emphasizing pedestrian friendliness and a traditional downtown atmosphere. Business units are relatively small and tightly clustered. The lots surrounding the proposed development are a mix of commercial, residential and community services.

5. A public hearing on the application was held on November 17, 2016 at 7:00 p.m. at City Hall.

6. Shelley Jones, deputy clerk, attended the hearing. She reported that the application was complete, and that all fees had been paid. All required notices regarding the hearing had been published, mailed and posted in a timely fashion as required by the Sugar City Zoning Ordinance and Idaho State law. The affidavit of publication and affidavit of mailing and posting were entered in the record and are included with this recommendation.

7. There were ten members of the public in attendance at the public hearing.

Mike and Julie Stears signed up and were presumably in favor of their application. Mike testified in favor of the application and his plans for the property. He testified that the development would include a 50s style restaurant with cars displayed, which he called the Sugar City Market and three four-plex apartment buildings.

Marlene Webster, Blair and Delpha Clay and Brad Orme submitted the letter from the City notifying them of the hearing and marked support for the special use permit on the hearing sign-up sheet.

Vaun Waddell was neutral on the application. He testified that he wondered if there was a better way to go about things. He submitted a written statement about his concerns that is attached hereto.

Jesse Brown testified about concerns he had for the children crossing Center Street with the increased traffic the development would bring. He questioned what might happen to property values of homes and expressed that the City needs to follow its comprehensive plan and ordinances.

Todd Lines testified that he had concerns similar to those expressed by Vaun Waddell.

Barbara Lusk did not testify but indicated she was neutral on the hearing sign-up sheet. She later indicated she had the same concerns as Vaun Waddell and Jesse Brown.

Val Bush did not testify but indicated on the hearing sign-up sheet that he was neutral on the application.

Devin Barker testified against the application. He opposes the apartments on the property. He has the same concerns as Jesse Brown. He asked the commission to treat all fairly when applications for permits are requested and felt that the special use permit was being rushed.

8. Debbie Virgin submitted a letter opposing the apartments but does not object to the restaurant. She wants to maintain single family homes on the street. A copy of the letter is attached.

9. After consideration of the pertinent parts of Title 9, Chapter 6 of the City Code, review of the City's Comprehensive Plan, consideration of the information presented in the application and written and oral presentations at the hearing of this matter, the planning and zoning commission finds as follows:

The application is complete and all fees have been paid.

Based upon the evidence before the commission, the proposed use is in the public interest.

There are potentially adverse impacts in the form of increased traffic that should be considered in the planning and construction of the development.

The impacts on the neighborhood should be positive in that this development will bring a compatible downtown business to a property that is now vacant and deteriorating. The residential portion of the development is of a rather small size and is consistent with the residential aspect of the adjacent residential neighborhood.

There was no testimony or other information presented that there would be any negative impact on the City's transportation plan, water, or other utilities.

CONCLUSIONS

10. The Sugar City Planning and Zoning Commission concluded regarding the application that:

The Sugar City Comprehensive Plan provides for residential use and commercial development of this area of the City and therefore the proposed use in the application is consistent with the City's Comprehensive Plan.

Although the land use provisions of the Code do not currently provide for mixed residential and commercial use in this zoning district, if the City Council adopts the commission's recommendations to amend the Code to provide for such a use with a special use permit, the proposed use in this application would be consistent with the provisions of the land use schedule.

The proposal complies with applicable state and federal laws and

regulations.

PLANNING AND ZONING COMMISSION RECOMENDATION

Concluding all of the above, the Sugar City Planning and Zoning Commission, by a vote of five to one, (Val Bush voting no) recommends that the City Council approve and issue the special use permit requested by applicant, subject to the following conditions:

Density of the residential portion of the development will be no more than stated in the application.

The retail commercial development of the property will have to occur before or at the same time as the construction of the apartment buildings.

There must be a retail commercial business on the property.

The applicant shall design and construct the improvements in such a way as not to interfere with pedestrian traffic and the safe crossing of the adjoining streets.

The design and construction of the improvements shall be harmonious with the surrounding neighborhoods.

The development shall have screening by landscaping, berm, foliage or fencing between it and the adjacent residential neighborhood.

Signed and Dated this ____ day of January, 2017.

By: _____
Chairman,
Planning and Zoning
Commission

Attest:

City Clerk-Treasurer

The City of Sugar City, Idaho

Resolution No.: 2017 - 1

“A Resolution to Approve a Professional Services Contract between Forsgren Associates, Inc. (engineer) and the City of Sugar City, to provide services for an application to the Department of Commerce for an Idaho Community Development Block Grant with the purpose of providing needed infrastructure to the Old Farm Estates Division #2 upgrade to their subdivision.”

WHEREAS, the Council of the City of Sugar City, Idaho desires to facilitate the provision of necessary infrastructure, including water, sewer, roads, and other necessary infrastructure, within the City's right of way, for Division #2 of the Old Farm Estates subdivision; and

WHEREAS, the owners of the Old Farm Estates subdivision have requested that the City of Sugar City sponsor said application for an Idaho Community Development Block Grant to help fund part of the cost of said infrastructure; and

WHEREAS, the City of Sugar City is willing to provide said sponsorship, and;

WHEREAS, Forsgren Associates, Inc. (engineer) has been selected by the City of Sugar City, and is willing to provide the application services for the aforementioned project;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR CITY, AS FOLLOWS:

The City Council of the City of Sugar City, Idaho hereby approves the Professional Services Contract in the amount of \$22,000 between engineer and the City of Sugar City and authorizes the Mayor to execute the aforementioned Contract.

PASSED by the Council of the City of Sugar City on this 12th day of January, 2016

APPROVED by the Mayor of the City of Sugar City on this 12th day of January, 2016.

(SEAL)

David D. Ogden,
Mayor

ATTEST:

Wendy McLaughlin,
City Clerk - Treasurer

The City of Sugar City, Idaho

Resolution No.: 2017 - 2

“A Resolution to Approve a Professional Services Contract between East-Central Idaho Planning & Development Association, Inc. (ECIPDA) and the City of Sugar City, to provide services for an application to the Department of Commerce for an Idaho Community Development Block Grant with the purpose of providing needed infrastructure to the Old Farm Estates Division #2 upgrade to their subdivision.”

WHEREAS, the Council of the City of Sugar City, Idaho desires to facilitate the provision of necessary infrastructure, including water, sewer, roads, and other necessary infrastructure, within the City's right of way, for Division #2 of the Old Farm Estates subdivision; and

WHEREAS, the owners of the Old Farm Estates subdivision have requested that the City of Sugar City sponsor said application for an Idaho Community Development Block Grant to help fund part of the cost of said infrastructure; and

WHEREAS, the City of Sugar City is willing to provide said sponsorship, and;

WHEREAS, East-Central Idaho Planning & Development Association, Inc. (ECIPDA) has been selected by the City of Sugar City, and is willing to provide the application services for the aforementioned project;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR CITY, AS FOLLOWS:

The City Council of the City of Sugar City, Idaho hereby approves the Professional Services Contract in the amount of \$10,000 between ECIPDA and the City of Sugar City and authorizes the Mayor to execute the aforementioned Contract.

PASSED by the Council of the City of Sugar City on this 12th day of January, 2016

APPROVED by the Mayor of the City of Sugar City on this 12th day of January, 2016.

(SEAL)

David D. Ogden,
Mayor

ATTEST:

Wendy McLaughlin,
City Clerk - Treasurer

The City of Sugar City, Idaho

Attachment #5

Resolution No.: 2017 - 3

"A Resolution to Approve a Professional Services Contract between Forsgren Associates, Inc. (engineer) and the City of Sugar City, to provide services for a study of the city water fees, and how to best calculate them."

WHEREAS, the Council of the City of Sugar City, Idaho desires to facilitate the provision of necessary infrastructure, including water, and how we calculate the fees necessary to maintain and replace in the future; and

WHEREAS, Forsgren Associates, Inc. (engineer) has been selected by the City of Sugar City, and is willing to provide the aforementioned study for the City;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SUGAR CITY, AS FOLLOWS:

The City Council of the City of Sugar City, Idaho hereby approves the Professional Services Contract in the amount of \$3,500 between engineer and the City of Sugar City and authorizes the Mayor to execute the aforementioned Contract.

PASSED by the Council of the City of Sugar City on this 12th day of January, 2016

APPROVED by the Mayor of the City of Sugar City on this 12th day of January, 2016.

(SEAL)

David D. Ogden,
Mayor

ATTEST:

Wendy McLaughlin,
City Clerk - Treasurer

